

Dwight Junior McCullough

Name
741549

Prison Number

Anchorage Correction Complex East

Place of confinement

1400 East 4th Ave

Mailing address

Anchorage, AK 99501

City, State, Zip

Telephone

RECEIVED

SEP 23 2020

CLERK, U.S. DISTRICT COURT
ANCHORAGE, A.K.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Dwight Junior McCullough

(Enter full name of plaintiff in this action)

Case No. _____

(To be supplied by Court)

vs.

Detective Michele Logan,
Anchorage Police Department

PRISONER'S
COMPLAINT UNDER
THE CIVIL RIGHTS ACT
42 U.S.C. § 1983

District Attorney's office, Anchorage, Alaska

(Enter full names of defendant(s) in this action.)

Do NOT use *et al.*)

Defendant(s).

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1333(a)(3).

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Dwight McCullough JR.
(print your name)

who presently resides at 1400 East 4th Ave. Anchorage, AK 99501
(mailing address or place of confinement)

were violated by the actions of the individual(s) named below.

2. Defendants (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Michele L. Logan is a citizen of Alaska, and is employed as a Detective.
(name)
(state) (defendant's government position/title)

This defendant personally participated in causing my injury, and I want money damages.

OR

The policy or custom of this official's government agency violates my rights, and I seek injunctive relief (to stop or require someone do something).

Defendant No. 2, Anchorage Police Department is a citizen of Alaska, and is employed as a Police Department.
(name)
(state) (defendant's government position/title)

This defendant personally participated in causing my injury, and I want money damages.

OR

The policy or custom of this official's government agency violates my rights, and I seek injunctive relief (to stop or require someone do something).

Defendant No. 3, Anchorage District Attorney is a citizen of Alaska, and is employed as a District Attorney.
(name)
(state) (defendant's government position/title)

This defendant personally participated in causing my injury, and I want money damages.

OR

The policy or custom of this official's government agency violates my rights, and I seek injunctive relief (to stop or require someone do something).

*****REMINDER*****

**You must exhaust your administrative remedies before your claim can go forward.
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Claim 1: On or about April 28, 2020, my civil right to
(Date)
Due Process

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Detective Michele Logan
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.)

On April 28, 2020 Detective Michele Logan of the Anchorage Police Department with Sufficient

evidence to negate any probable cause. Sought an arrest warrant with an affidavit that contained false information by deliberately concealing exculpatory evidence from the

Judge Signing the warrant. The information withheld is as follows:

1.) On April 22, 2020 Lithia Kia of Anchorage repossessed the 2019 Dodge Durango from my NSidnace and yes within 1 hour their keys were returned to the dealership.

2.) American Credit Acceptance (Third Party Under) Chose not to extend financing to me on 4-21-2020 due to Charge-off on credit. 3.) I tried to verify the authenticity of the check before delivering it to the dealership. 4.) Lithia Kia of Anchorage never returned any of my down payment as they were supposed to under Alaska Statute 45.25.601

5.) Parties signed a Contract for Sale in good faith and on Spot delivery Contingent on final financing approval from a third party under.

6.) Detective Logan never mentions in affidavit that she is also the investigator on my 2017 case and that she never alerted my parole officer of a potential crime by myself.

that she so called alleged. On April 21, 2020 when in fact Lithia Kia filed a police for repossession my parole should have been notified if Lithia Kia filed for fraud. 7.) Detective never explains how she ever did get involved in the case when Lithia Kia only filed a police report to repossess the vehicle. 8.) Failed to inform Judge that Lithia Kia and I quashed everything on 4-22-2020 with the return of keys, so why on 4-29-2020 am I getting arrested for a stolen vehicle. 9.) All actions between Lithia Kia and I all fall under Civil procedures for a civil case not criminal. The detective's violation of due process is completely and utterly malicious and is clearly an abuse of process and vindictiveness as well.

Claim 2: On or about April 28, 2020, my civil right to Abuse of Process ^(Date)

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Anchorage Police Department
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

On April 28, 2020, felony charges were filed on me and an arrest warrant was issued without probable cause and this information from the Anchorage Police Department's Detective Michele Logan contained an affidavit that was presented to the Anchorage District Attorney for prosecuting. All enumerated evidence known to Anchorage Police Department demonstrates that parties executed a contract on 4-10-2020 and no criminal misrepresentations took place nor any theft or scheme to possess the 2019 Dodge Durango existed nor transcribed. Malice and abuse of process may be inferred due to lack of probable cause. A fraudulent cashier's check received 4-13-2020 that was never cashed but returned as fraudulent bears the burden of protection under the contract signed 4-10-2020 as it was part of the deferred down payment. Lithia Kia made no report of a fraudulent check chose not to prosecute, but the same Detective Michele Logan and Anchorage Police Department from previous 2017 case chose to prosecute anyways.

Prisoner § 1983 - 4
PS01, Nov. 2013

(Claim 2 cont.)

As a result, I suffered my loss of my job at the Hampton Inn where I was arrested. loss of business from my company Privileged and wages from them both. Falsely incarcerated for over 5 months, loss of freedom and publically humiliated at my job.

Claim 3: On or about 4-29-2020, my civil right to
Due Process (Date)

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Anchorage District Attorney's Office
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

On or about 4-29-2020 I Dwight Junior McCullough was arrested on a warrant issued 4-29-2020 by Judge Wallace, the affidavit that was used to obtain the warrant does not have a depiction of probable cause, and it also withholds exculpatory evidence from Judge information that would negate me. The affidavit is sworn by an unknown notary whose commission expiration date is unknown as well (Exhibit A). The Prosecutor of the State of Alaska overseeing the case has refused to look at the evidence negating me but rather look at my history. My rights have been violated by the fact that I have been incarcerated over 5 months and haven't been to court once over this charge, no indictment, no speedy trial, no search warrant to go into my house, Seize my car, and no probable cause to arrest me. The State of Alaska insists on prosecuting a charge that the victim is me and no one else. The State of Alaska is prosecuting what should of been a civil

(Claim ③)

case, criminally. A violation of my due process by the state of Alaska by not having me court either physically or telephonically, also by returning an indictment in allotted time allowed. Unreasonable search and seizure of my property upon no probable cause being existant. The Prosecutor's duties is not to prosecute a charge that they know is not supported by probable cause, not by someone's history or background. Due to Prosecutorial Misconduct, Malicious prosecution and malicious abuse of process my civil rights have been violated and there is no justification for it. District Attorney's office in Anchorage, Alaska has allowed this to proceed for over 5 months without no evidence, no probable cause and falsified documents to obtain a warrant.

D. Previous Lawsuits

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action, or otherwise relating to your imprisonment? Yes No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: Dismissed Appealed Still pending

Issues Raised: _____

b. Lawsuit 2:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: Dismissed Appealed Still pending

Issues Raised: _____

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

Yes No

If your answer is "Yes," describe each lawsuit on the next page.

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

4. Are you in imminent danger of serious physical injury? Yes No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority: I am in danger of the Detective

Log on falsifying documents, sending people after me to harm me or just putting extra police detail just for me to silence me for good.

F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ \$250,000
2. Punitive damages in the amount of \$ 100,000
3. An order requiring defendant(s) to refrain from coming near me
4. A declaration that _____
5. Other: _____

Plaintiff demands a trial by jury. _____ Yes No

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Anchorage, Alaska on September 18, 2020
(Location) (Date)

Dwight Mackey
(Plaintiff's Signature)

Original Signature of Attorney (if any)

_____ (Date)

Attorney's Address and Telephone Number

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Junior McCullough #746549
Correctional Complex East
14th Ave
Anchorage, AK 99501

United States District Court Clerk
US Federal Courthouse
222 West 7th Ave.
Anchorage, AK 99513